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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------|------------------------|
| 09/753,347 | 12/29/2000 | William D. Rupp | ARIBP020 | 8394 |
| 21912 7590 07/25/2007 VAN PELT, YI & JAMES LLP 10050 N. FOOTHILL BLVD #200 CUPERTINO, CA 95014 | | | EXAMINER PATEL, JAGDISH | |
| | | | ART UNIT 3693 | PAPER NUMBER |
| | | | MAIL DATE 07/25/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/753,347 | Applicant(s) RUPP ET AL. | |
| | Examiner JAGDISH PATEL | Art Unit 3693 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-10, 13, 14 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 12 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to amendment filed 5/4/07.

Response to Amendment

2. Claims 1, 11 and 15 have been amended.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 11 and 15 have been considered but are not deemed persuasive.

The applicant's argues that Dinwoodie does not teach or imply displaying a bid adjustment configuration interface including the bid adjustment mechanism that allows a bidder to specify an adjustment for a bid without entering an amount of the bid" as amended in claims 1, 11 and 15.

However, the examiner does not distinguish between the entity "auctioneer" and "bidder" since the claim does not distinguish between the auctioneer and the bidder in terms of the structural elements or functionality of the claim. In this regard Dinwoodie is capable of allowing a person including a bidder to specify an adjustment for a bid without entering an amount of the bid. Dinwoodie, does not require entering an amount of the bid. Furthermore, the adjustment of the bid is performed only when the auctioneer system is active, which is inherent to the Dinwoodie system.

Claim Rejections - 35 USC § 102

4. Claims 1, 11 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Dinwoodie (US Pat. 7076460) (hereafter referred to as Dinwoodie).

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Per claim 1, Dinwoodie teaches a method of configuring a bid adjustment mechanism in an online auction, (bidder and auctioneer interfaces, p.12) comprising the steps of:

(a) displaying a bid adjustment mechanism configuration interface including the bid adjustment mechanism that allows a bidder to specify an adjustment for a bid without entering an amount of the bid (Fig. 1 Auction site 14 which initializes and displays a bid adjustment mechanism (interpreted as the entire set of parameters and which allows the bidder to adjust the bid via setting a bid adjustment using a predefined increment, see col. 5 L 33-58 and col. 3 and 4)

(b) setting the bid adjustment mechanism to a bid adjustment value specified by the bidder using the configuration interface such that when the bid adjustment mechanism is actuated, a bid is adjusted by the bid adjustment value set in the configuration interface.

(col. 5 L 33-58, the auction site is set to a predefined bid increment,) and

(c) adjusting a bid in the online auction by the bid adjustment value set in the configuration interface in the event that the bid adjustment mechanism is actuated.

(col. 7 L 46-57, “the asking bid is incremented in accordance with the predetermined increments established at initialization at step 66. The asking bid is then incremented and display 32 is updated at step 90. Additionally, the new asking bid can be adjusted in real-time (either by direct input or by adjusting the automatic increments up or down as appropriate) by auctioneer 24 as the bidding approaches the final bid and subsequent close and sale.”)

Note that claims 11 and 15 are apparatus claims that correspond to method claim 1 and accordingly analyzed in the foregoing analysis.

Note also that the term “the bidder” is any entity that is capable of specifying an adjustment for the bid. The “auctioneer” of Dinwoodie serves as “a bidder” because the claim

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recites the bidder as an entity who is capable of performing the adjustment for a bid. (see also explanation under "Response to Arguments")

Claim Rejections - 35 USC § 103

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwoodie.

Dinwoodie fails to teach that the bid adjustment mechanism is a button on a graphical user interface displayed to the bidder.

Official Notice is taken that displaying information for adjustment using a button on a graphical user interface is old and well known.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to select a specific type of adjustment mechanism, which is suitable for the specific application, which would facilitate quick data entry.

6. Claims 3-5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinwoodie as analyzed in claims 1 and 2 and further in view of Fisher.

Dinwoodie fails to teach that the bid adjustment value comprises selecting a bid adjustment type associated with the bid adjustment value as recited in claims 3-5 and 12.

Fisher, in the same field of endeavor, however, teaches a bid adjustment type associated with the bid adjustment value which corresponds to an absolute value or a percentage of a previous bid (see col. 12 L 33+, bidding increment amount and percentage, noting that the increment amount is in Dollar amount).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dinwoodie in view of Fisher wherein a feature of bid adjustment type associated with the bid adjustment value is provided which corresponds to an absolute value or a percentage of a

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previous bidder because such an improvement would provide greater flexibility and convenience to the proxy bidder in adjusting bid for a wide range of bid values.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

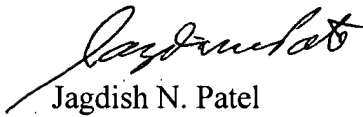
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571)272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

7/23/07